

REMARKS

Claims 1-4, 6, 8, and 10-28 are currently pending. Claims 8, 10-13, 17-28 are withdrawn and 5, 7, 9, 29, and 30 are cancelled.

Claims 1 was amended in view of the United States Patent and Trademark Office's ("Patent Office's") suggested amendment. Withdrawn claims 8 and 12 were similarly amended. Claim 4 was amended to cancel compound 1 in view of the amendment to the independent claim from which it depends. It is submitted that no new matter has been added by the above amendments. Entry of the amendments and allowance of the claims is respectfully requested.

Obviousness Rejection

Claims 1 and 6 were rejected under 35 USC §103(a) as being unpatentable over the '606 Patent. (Final Office Action at page 3.)

For the reasons set forth below the rejection, respectfully is traversed.

The "606 Patent disclosure set forth in the previous paper submitted by the applicants is incorporated herein by reference.

In making the rejection, the Patent Office noted that

It appears that the above rejection may be overcome by amending the claim to carve out species, which are embraced by '606 patent.

(Final Office Action at page 7.)

While not agreed to, in the interest of advancing prosecution on the merits, the Applicants appreciate the Patent Office's suggestion and have amended claims 1 and 6 to remove C-2 from the definition of Z. It is believed that this amendment overcomes the instant rejection and withdrawal thereof is respectfully requested.

Obviousness-type Double Patenting

Claims 1-4, 6, and 14-16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. (Final Office Action at page 8.) The Final Office Action alleged that claims 1-4, 6, and 14-16 of the captioned application "are unpatentable over claims 1, 2, and 7 of co-pending US Patent Application No. 10/595,891 in view of the '606 Patent. The Office Action did not indicate that the rejected claims are otherwise allowable.

Upon notification in the Office Action that claims 1 and 6 allowable but for this rejection, the substance of this rejection will be addressed.

Finally, the Examiner is invited to call the applicants' undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Accordingly, entry of the claims and allowance of the claims is respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

Respectfully submitted,

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